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In re DAVID R. CHERITON, Application No. 09/981,125  
Amendment D

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to FIG. 3A. This sheet replace the original sheet including FIG. 3A. New FIG. 3A corrects a draftsman's error, which shows that processing continues from process block 310 back to process block 302, with support provided by page 14, lines 8-19 of the original disclosure.

Attachment: One Replacement Sheets  
One Annotated Sheets Showing Changes

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### REMARKS

The Office action dated March 22, 2007, and the reference cited have been fully considered. In response, please enter the amendments and consider the following remarks presented herein. Reconsideration and/or further prosecution of the application is respectfully requested.

Applicants also noticed an obvious draftsman's error in FIG. 3A, which is corrected to show that processing continues from process block 310 back to process block 302, with support provided by page 14, lines 8-19 of the original disclosure.

Applicants appreciate the Office reconsidering Applicants arguments on Appeal, and determining that claims 1, 6, 8-11, 13, 22, and 29-33 are allowed, and that dependent claims 18-21 and 24-27 would be allowable if re-written in independent format. In reliance on such, Applicants have re-written allowable dependent claim 19 as new independent claim 34 and allowable dependent claim 26 as new independent claim 35.

Thus, there remains four claims at issue: independent claim 15 and its dependent claim 16-17 and independent claim 23, which all four claims stand rejected as being anticipated by Merchant et al., US Patent 5,408,463. Applicants respectfully traverse these rejections as Merchant et al. neither teaches nor suggests all the claim limitations. For example, Merchant et al. teaches a basic redundancy system where in a normal operating mode each packet is processed by two switch modules and then based on SEL line, a each transmit line interface forwards all packets or no packets. Applicants are not trying to claim this scenario (which is similar to a system disclosed in the Background section of the present application in which all traffic is blocked at the ingress side, rather at the egress side as performed by Merchant et al.) and do not believe the claims read on the teachings of Merchant et al.

As taught by the original disclosure of the present application, the programmable filters are each programmed to let through a portion of the packet traffic in a normal operating mode, hence the claim limitations of letting through at least one packet by each filter and all packets are forwarded by only one filter. Of course, if one fails, the programmable filters can be updated to

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compensate for the failed filter such that traffic is reapportioned among the remaining programmable filters. However, as this application has been pending for an excessively long duration and already on appeal once, Applicants have amended independent claims 15 and 23 to ensure the wording of the claims reflect the invention that is trying to be described, with support provided by the original application, at least by page 11, line 24 to page 12, line 22 and FIG. 1A. For at least the reason that Merchant et al. neither teaches nor suggests each filter letting though a portion of the traffic in normal operating mode as recited in independent claims 15 and 23, independent claim 15 and its dependent claims 16-21 and independent claims 23 and its dependent claims 24-27 are believed to be allowable over the best prior art available as determined by the Office as required by MPEP § 706 and 37 CFR 1.104(c)(2).

In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over all prior art of record including the best art available as determined by the Office, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. Applicant requests any and all rejections and/or objections be withdrawn. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney, as Applicants are open to discussing, considering, and resolving issues.

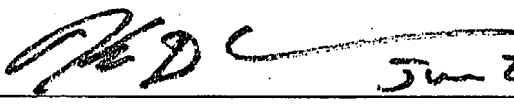
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Applicants believe no extension of time is required. Should an extension of time be deemed appropriate, Applicants hereby petition for such deemed extension of time. Applicants further authorize the charging of Deposit Account No. 501430 for any fees that may be due in connection with this paper (e.g., claim fees, extension of time fees).

Respectfully submitted,  
The Law Office of Kirk D. Williams

Date: June 22, 2007

By

 Jun 22, 2007

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Amendment D dated June 22, 2007 - Reply to Office action of May 22, 2007  
Annotated Sheet

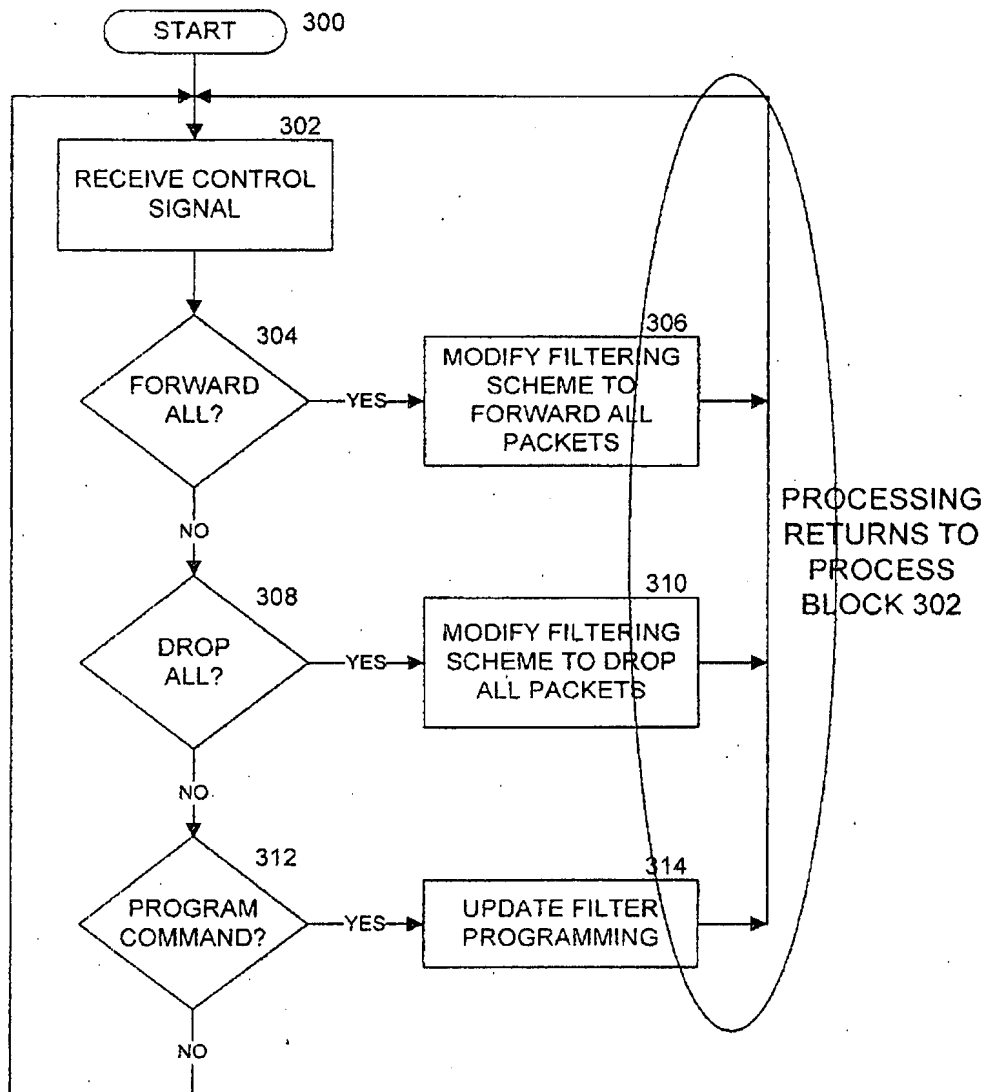


FIGURE 3A